

116TH CONGRESS  
1ST SESSION

# S. 1468

To support the successful implementation of the 1991 Paris Peace Agreement in Cambodia, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 14, 2019

Mr. GRAHAM (for himself, Mr. DURBIN, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To support the successful implementation of the 1991 Paris Peace Agreement in Cambodia, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cambodia Account-  
5 ability and Return on Investment Act of 2019”.

6 **SEC. 2. STRENGTHENING DEMOCRACY AND THE SOV-**  
7 **EREIGNTY OF CAMBODIA.**

8 (a) **CONDITIONS OF ASSISTANCE FOR CAMBODIA.—**

9 (1) **IN GENERAL.—**No funds authorized to be  
10 appropriated for assistance for the Government of

1 Cambodia may be made available for that purpose  
2 unless the Secretary of State makes the certification  
3 described in paragraph (2).

4 (2) CERTIFICATION DESCRIBED.—The certifi-  
5 cation described in this paragraph is a certification  
6 to the appropriate congressional committees that the  
7 Government of Cambodia is taking effective steps  
8 to—

9 (A) strengthen regional security and sta-  
10 bility, particularly regarding territorial disputes  
11 in the South China Sea and the enforcement of  
12 international sanctions with respect to North  
13 Korea;

14 (B) protect its sovereignty from inter-  
15 ference by the People's Republic of China; and

16 (C) respect the rights and responsibilities  
17 enshrined in the Constitution of the Kingdom  
18 of Cambodia enacted in 1993, including—

19 (i) the immediate and unconditional  
20 release from house arrest of opposition pol-  
21 itician Kem Sokha and the dismissal of the  
22 politically motivated charges against him;

23 (ii) the immediate and unconditional  
24 release from detention of all other known  
25 political opposition party members and

1 civil society representatives who were prosecuted for exercising their civil or political  
2 rights, and dismissal of the politically motivated charges against them;

3 (iii) the dismissal of politically motivated criminal charges against other opposition party leaders and supporters, including opposition leader Sam Rainsy, and  
4 criminal charges against other dissidents, government critics, and journalists, including Radio Free Asia journalists Uon Chhin  
5 and Yeang Sothearin;

6 (iv) the repeal of 2017 and 2019 amendments to the Law on Political Parties that permitted the arbitrary dissolution of opposition parties in Cambodia, including the Cambodia National Rescue  
7 Party, and the prohibition of over 100 opposition party members from political activity; and

8 (v) the repeal of laws, amendments, decrees, and regulations that serve as a pretext for the Government of Cambodia to prosecute opposition political party members and political dissidents and to

1                   weaponize the rule of law, including: the  
2                   Law on Associations and Non-Govern-  
3                   mental Organizations; the Law on Trade  
4                   Unions; the Law on Telecommunications;  
5                   National Law Decree No. 170 Br.K/Inter-  
6                   ministerial (Prakas) allowing for the re-  
7                   moval and blocking of online content that  
8                   is critical of such government; and con-  
9                   stitutional amendments and amendments  
10                  to the Penal Code introducing clauses on  
11                  lese majeste.

12                  (b) INADMISSIBILITY OF INDIVIDUALS WHO UNDER-  
13 MINE DEMOCRACY IN CAMBODIA.—

14                  (1) POLICY.—

15                         (A) IN GENERAL.—The Secretary of State,  
16                         in consultation with the Secretary of Homeland  
17                         Security, shall continue to implement the policy  
18                         announced by the Department of State on De-  
19                         cember 6, 2017, to restrict entry into the  
20                         United States of individuals involved in under-  
21                         mining democracy in Cambodia, including—

22                                 (i) senior officials of the Government  
23                                 of Cambodia, including the military, gen-  
24                                 darmerie, police, and judiciary;

1           (ii) officers and employees of entities,  
2           including international commercial facilita-  
3           tors and offshore entities, owned or con-  
4           trolled by such officials; and

5           (iii) immediate family members of  
6           such officials.

7           (B) DURATION.—The entry restriction pol-  
8           icy described in subparagraph (A) shall remain  
9           in effect until the Secretary of State makes the  
10          certification described in subsection (a)(2).

11         (2) REPORT REQUIRED.—

12           (A) IN GENERAL.—Not later than 30 days  
13           after the date of the enactment of this Act, and  
14           every 90 days thereafter until December 31,  
15           2021, the Secretary of State shall submit to the  
16           appropriate congressional committees a report  
17           that—

18           (i) describes the measures taken to  
19           implement the entry restriction policy de-  
20           scribed in paragraph (1)(A); and

21           (ii) includes a comprehensive list of  
22           the individuals subject to the policy.

23           (B) FORM OF REPORT.—Each report re-  
24           quired by subparagraph (A) shall be submitted

1           in unclassified form but may include a classified  
2           annex.

3           (c) BLOCKING OF PROPERTY OF INDIVIDUALS WHO  
4 UNDERMINE DEMOCRACY IN CAMBODIA.—

5           (1) REPORTS TO OFFICE OF FOREIGN ASSETS  
6 CONTROL.—Not later than 60 days after the date of  
7 the enactment of this Act, the President shall take  
8 such action as is necessary to direct, including  
9 through the promulgation of regulations, that any  
10 United States financial institution holding, man-  
11 aging, or transferring property or interests in prop-  
12 erty of an individual described in subsection  
13 (b)(1)(A), shall promptly report such property or in-  
14 terests in property to the Office of Foreign Assets  
15 Control of the Department of the Treasury.

16           (2) BLOCKING OF PROPERTY.—The President  
17 may, pursuant to the International Emergency Eco-  
18 nomic Powers Act (50 U.S.C. 1701 et seq.) and sub-  
19 ject to such regulations as the President may pre-  
20 scribe, block and prohibit all transactions in all  
21 property and interests in property of an individual  
22 described in subsection (b)(1)(A), if such property  
23 and interests in property are in the United States,  
24 come within the United States, or are or come with-

1 in the possession or control of a United States per-  
2 son.

3 (3) PENALTIES.—A person that violates, at-  
4 tempts to violate, conspires to violate, or causes a  
5 violation of this subsection or any regulation, license,  
6 or order issued to carry out this subsection shall be  
7 subject to the penalties set forth in subsections (b)  
8 and (c) of section 206 of the International Emer-  
9 gency Economic Powers Act (50 U.S.C. 1705) to the  
10 same extent as a person that commits an unlawful  
11 act described in subsection (a) of that section.

12 (d) SUSPENSION OF ELIGIBILITY FOR GENERALIZED  
13 SYSTEM OF PREFERENCES.—Not later than 90 days after  
14 the date of the enactment of this Act, the designation of  
15 Cambodia under section 502 of the Trade Act of 1974  
16 (19 U.S.C. 2462) as a beneficiary developing country for  
17 purposes of the Generalized System of Preferences under  
18 title V of that Act (19 U.S.C. 2461 et seq.) shall be sus-  
19 pended until the Secretary of State makes the certification  
20 described in subsection (a)(2).

21 (e) PROHIBITION ON DEBT RELIEF.—The Secretary  
22 of State may not negotiate for or establish a program of  
23 debt relief for the Government of Cambodia until the Sec-  
24 retary of State makes the certification described in sub-  
25 section (a)(2).

1           (f) OPPOSITION TO LOANS AND ASSISTANCE BY  
2 INTERNATIONAL FINANCIAL INSTITUTIONS.—The Sec-  
3 retary of the Treasury shall instruct the United States ex-  
4 ecutive director to each international financial institution  
5 to use the voice and vote of the United States to oppose  
6 the extension by that institution of any loan or financial  
7 or technical assistance for the Government of Cambodia,  
8 other than to meet basic human needs, until the Secretary  
9 of State makes the certification described in subsection  
10 (a)(2).

11           (g) ONLINE INFORMATION PROGRAMS ON THE IN-  
12 TERFERENCE OF THE PEOPLE'S REPUBLIC OF CHINA IN  
13 THE SOVEREIGNTY OF CAMBODIA.—There are authorized  
14 to be appropriated such sums as may be necessary for  
15 Khmer-language programs to be broadcast on the internet  
16 that inform and educate the people of Cambodia on the  
17 role of—

18                 (1) the Government of the People's Republic of  
19 China in supporting the Communist Party of  
20 Kampuchea and the Democratic Kampuchea regime  
21 of Pol Pot;

22                 (2) the international community, particularly  
23 the United States, in supporting implementation of  
24 the Agreement on a Comprehensive Political Settle-  
25 ment of the Cambodia Conflict, signed October 23,



1 1991 (commonly known as the “1991 Paris Peace  
2 Agreement”), and providing assistance for the devel-  
3 opment of Cambodia from 1991 to 2018, consistent  
4 with the letter and spirit of that Agreement;

5 (3) the Government of Cambodia in imple-  
6 menting that Agreement; and

7 (4) the People’s Republic of China in under-  
8 mining the sovereignty of Cambodia today, includ-  
9 ing—

10 (A) the extent of its influence among sen-  
11 ior Government of Cambodia officials and overt  
12 and covert methods for exerting such influence;

13 (B) involvement in licit and illicit busi-  
14 nesses, particularly in the coastal provinces of  
15 Koh Kong and Sihanoukville; and

16 (C) the strategic designs on the geography  
17 of Cambodia for military and other security  
18 purposes through dual use investments and  
19 projects.

20 (h) DEFINITIONS.—In this section:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
22 TEES.—The term “appropriate congressional com-  
23 mittees” means—

24 (A) the Committee on Appropriations, the  
25 Committee on Banking, Housing, and Urban

1 Affairs, and the Committee on Foreign Rela-  
2 tions of the Senate; and

3 (B) the Committee on Appropriations, the  
4 Committee on Financial Services, and the Com-  
5 mittee on Foreign Affairs of the House of Rep-  
6 resentatives.

7 (2) INTERNATIONAL FINANCIAL INSTITU-  
8 TION.—The term “international financial institu-  
9 tion” has the meaning given that term in section  
10 1701(e) of the International Financial Institutions  
11 Act (22 U.S.C. 262r(e)).

12 (3) UNITED STATES PERSON.—The term  
13 “United States person” means—

14 (A) a United States citizen or an alien law-  
15 fully admitted for permanent residence to the  
16 United States; or

17 (B) an entity organized under the laws of  
18 the United States or of any jurisdiction within  
19 the United States, including a foreign branch of  
20 such an entity.

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